

HOUSE BILL 62

By Turner M

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 2, to enact the "Tennessee Minimum
Wage Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, is amended by adding
Sections 2 through 10 of this act as a new part.

SECTION 2. This act shall be known as the "Tennessee Minimum Wage Act".

SECTION 3. As used in this act:

(1) "Commissioner" means the commissioner of the Tennessee department of
labor and workforce development;

(2) "Department" means the Tennessee department of labor and workforce
development;

(3) "Employ" means to suffer or permit to work;

(4) "Employee" means a person born or naturalized in the United States and
subject to the jurisdiction thereof, or a person legally present in this country, either of
whom is employed by an employer;

(5) "Employer" includes an individual, partnership, association, corporation,
business trust, legal representative, or any organized group of persons, not involved in
interstate commerce acting directly or indirectly in the interest of an employer in relation
to an employee; and

(6) "Wages" means compensation paid to an employee in the form of legal
tender of the United States or checks or drafts on banks negotiable into cash on demand
or upon acceptance at full value; provided, wages may include the reasonable cost to
the employer, as determined by the commissioner, of furnishing meals or lodging to an

employee, if such board or lodging is customarily furnished by the employer, and used by the employee.

(7) Tipped employees has the same meaning as the term is defined by 29 U. S. C. § 203(t) who are exempt to the extent provided in 29 C.F.R. Part 531.

SECTION 4. Every employer shall pay to each employee wages at a rate not less than six dollars fifteen cents (\$6.15) per hour.

SECTION 5. Every employer subject to the provisions of this act shall keep a summary of this act and any applicable wage orders and regulations posted in a conspicuous and accessible place in or about the premises of the employer's place of business.

SECTION 6. Any employer who violates the minimum wage requirements of this act shall be liable to the employee or employees affected for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of any employee or employees, in any action brought in any court of competent jurisdiction to recover unpaid wages under this act, such judgment shall include, in addition to the unpaid wages adjudged to be due, an additional amount equal to such wages as damages. The court shall, in addition to any judgment awarded to the employees, require the defendant to pay court costs and reasonable attorney's fees incurred by the employee or employees. However, action to recover must be instituted within three (3) years from the date such wages should have been paid.

SECTION 7. In the administration of this act, the commissioner shall cooperate, to the fullest extent consistent with this act, with the administrator of the wage and hour division of the United States department of labor.

SECTION 8. Nothing in this act shall be deemed to interfere with, impede or in any way diminish the right of employees to bargain collectively through representatives of their own choosing in order to establish wages in excess of the applicable minimum under this act.

SECTION 9. Employees excluded pursuant to 29 U.S.C. § 213(a) are exempt from the provisions of this act to the same extent such employees are exempt under such federal law, except every employee who is a tipped employee as defined in this act are exempt under the provisions of this act.

SECTION 10. Within existing resources of the department of labor and workforce development, the commissioner of labor and workforce development shall promulgate rules and regulations to effectuate the purposes of this act that are not inconsistent with the provisions of the federal Fair Labor Standards Act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. For the purposes of promulgating rules and regulations, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2008, the welfare requiring it.